

To: House Judiciary Committee
From: David K. Felbeck
Re: HB 5142, HB 5143, HB 5153, HB 5548
Date: April 18, 2006

Thank you for this opportunity to comment on these bills. I am David Felbeck. I am Professor Emeritus of Mechanical Engineering at the University of Michigan, Ann Arbor, and past president of the Michigan Coalition for Responsible Gun Owners. I have been testifying on self defense matters before legislative committees in Lansing since 1993, and we've come a long way. My views here today have been formally approved by MCRGO.

Several states have long-standing victim-protection laws similar to those proposed here. Alabama, Florida, Idaho, Mississippi, and South Dakota have recently passed home-invasion bills with no untoward consequences. We should also take this action to provide such protection to Michigan's citizens.

A person bent on criminal assault currently has several advantages over his intended victim:

- Surprise. The criminal picks the time and place for his assault and will always be better prepared and more alert than the victim.
- Intent. The criminal, by his very nature, is willing to subject his victim to grievous injury or death without hesitation; the victim is usually less certain in his determination to commit violence, even in self defense.
- Equipment. The criminal will arrive at the locus for the assault fully prepared to subdue his victim.
- Legal protection. An informed criminal will know that before defending himself his victim must first establish that the criminal intends great bodily harm or death, and that he will therefore hesitate before taking action.
- Possible escape. An informed criminal will know that outside his home his victim is required to attempt to escape from attack rather than to resist.

These profound advantages possessed by the criminal put victims in serious jeopardy.

The proposed set of bills will serve to diminish some, but not all, of the criminal's advantages. Of paramount importance would be the combined effect wrought by the victim's right to assume that an unauthorized person in his house or vehicle is bent on

great bodily harm or death, and that the victim will not be criminally charged or suffer civil damages if he defends himself. It must be obvious that a person awakened from a sound sleep at 3:00 a.m. still remains at a significant disadvantage and may have but a few seconds to make a decision to defend himself. Under the protections of these bills he will have a much better chance to survive criminal attack than he has now.

For a potential victim away from his home or vehicle, the "no retreat" provision represents a significant improvement in his survival chances. Currently, rather than defend himself a victim is required quickly to assess that an attack is impending or in progress, and then he must decide on his best escape route, if any. Under the proposed legislation he will not be required to turn his back on his assailant but will be able to stay and attempt to defend himself, with consequent improved chances of surviving the attack.

I recommend that the Committee approve these bills. Michigan will be a safer place.
Thank you.

A handwritten signature in cursive script, reading "D. K. Felbeck".

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